

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2828

IN THE MATTER OF:

Served February 20, 1986

Application of CONGRESSIONAL TOURS,) )  
INC., to Amend Seating Capacity ) )  
Restriction on its Certificate ) )  
No. 94 ) )

Case No. AP-86-07  
Case No. MP-85-33

By application filed February 14, 1986, Congressional Tours, Inc. ("Congressional" or "applicant"), asks the Commission to amend its Certificate of Public Convenience and Necessity No. 94, which currently authorizes the following:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, transporting passengers, restricted to lectured, round-trip sightseeing tours, from points in the District of Columbia to points in the Metropolitan District, and return.

RESTRICTED to the transportation of passengers in vehicles with a manufacturer's designed seating capacity for 16 to 21 passengers (including the driver)

It is the seating capacity restriction that Congressional wants amended as follows:

RESTRICTED to the transportation passengers in vehicles with a capacity of 15 or less.

In WMATC parlance, the proposed restriction is interpreted as follows:

RESTRICTED to the transportation of passengers in vehicles with a manufacturer's designed seating capacity of 15 persons or less (including the driver)

Applicant is a small sightseeing company operating a single vehicle in the authorized 16 to 21-passenger range. According to applicant its business is seasonal and it finds the cost of insurance required on vehicles seating 16 or more to be prohibitive. However, it currently carries insurance as required for vehicles seating 15 persons



or less, including the driver. Applicant would permanently alter its vehicle to seat no more than 15 persons including the driver. \*/

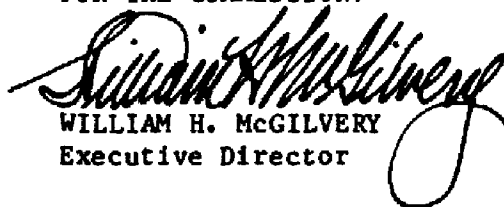
At this point it must be noted that Congressional's Certificate No. 94 was revoked on February 7, 1986, by Order No. 2823, Case No. MP-85-33 for failure to maintain insurance in the required amount. However, that order specifically provided that the Commission would treat Congressional's completed application to amend its certificate as grounds for reopening that case on the Commission's own initiative. This application conforms to the requirements of that order and was timely filed. These conditions having been met, Case No. MP-85-33 stands reopened by action of Order No. 2823. Accordingly, the revocation of Certificate No. 94 is stayed pending determination of this application in Case No. AP-86-07.

Little benefit is perceived from requiring newspaper publication of notice of this application. Nor would it be efficacious to require the posting of notice in applicant's vehicle, as its operating authority stands suspended. Rather, it appears that notice should be provided to other WMATC certificated carriers conducting per capita sightseeing operations in vehicles seating 15 passengers or less. Notice will be provided to those carriers by serving on each of them a copy of this order.

Notice of this application is hereby given and protests, if any, shall be filed with the Commission no later than Wednesday, March 12, 1986. Any person filing a protest pursuant to Commission Rule No. 14, who believes an adequate protest cannot be presented without a public hearing should specifically request that this matter be scheduled for hearing, together with an indication of the evidence to be adduced at such hearing that could not be adduced on pleadings.

IT IS SO ORDERED.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

\*/ For a discussion of permanent alterations to manufacturer's designed seating capacity, see Order No. 2559, served May 24, 1984, in Case No. MP-83-01, at page 1, footnote 1.

